

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHAUNTEZ K. ROCKEMORE,
Plaintiff,
v.
A. VASQUEZ, et al.,
Defendants.

No. 1:21-cv-01339 GSA (PC)

ORDER DENYING PLAINTIFF’S THIRD
MOTION FOR SUBPOENAS
(ECF No. 32)

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. This case is at the discovery phase of the proceedings. See ECF No. 24 (Discovery and Scheduling Order).

Before this Court is Plaintiff’s third motion that subpoenas issue in this case. ECF No. 32. For the reasons stated below, the request will be denied.

I. MOTION FOR ISSUANCE OF SUBPOENAS

In the instant motion, Plaintiff asks that the Court issue “three signed but otherwise blank supoenas ad testificandums [sic], and a third signed but otherwise blank subpoena duces tecum.” ECF No. 32 at 1 (errors in original). He fails to indicate why these subpoenas are needed; what relevant information he believes they will yield, and to whom or for what items they will issue. See generally id.

1 II. DISCUSSION

2 Plaintiff's third request that subpoenas issue must be denied. As Plaintiff has been
3 previously informed, with respect to his request that additional subpoenas duces tecum issue, in
4 this district, such requests must be supported by: (1) clear identification of the documents sought
5 and from whom, and (2) a showing that the records are obtainable only through the identified
6 third party. See, e.g., Davis v. Ramen, No. 1:06-cv-01216 AWI SKO (PC), 2010 WL 1948560, at
7 *1 (E.D. Cal. May 11, 2010); Williams v. Adams, No. 1:05-cv-00124 AWI SMS (PC), 2010 WL
8 148703, at *1 (E.D. Cal. Jan. 14, 2010). See ECF No. 30 (Court's order regarding Plaintiff's first
9 motion for a subpoena duces tecum). Plaintiff's motion fails to provide any of this information.
10 See generally ECF No. 32.

11 As for Plaintiff's requests that subpoenas ad testificandum issue, they must also be denied
12 for the following reasons: 1- Plaintiff has not provided any information about his subpoena
13 requests, e.g., what types of testimony-related subpoenas he needs; and 2- why he needs them,
14 what information the subpoenaed individuals will provide, etcetera. See generally ECF No. 32.

15 Next, this case is in the discovery phase of the proceedings. See generally ECF No. 24
16 (August 2023 discovery and scheduling order). Consequently, it is unclear why the testimony of
17 other individuals is needed at this time. In any event, to the extent the subpoenas Plaintiff is
18 requesting are for other inmates, in order for the Court to issue a writ of habeas corpus ad
19 testificandum, Plaintiff must first provide: 1- to what the inmate witness will testify; 2- how he
20 knows the inmate witness will testify as such; and 3- why the testimony is necessary. Greene v.
21 Prunty, 938 F. Supp. 637, 639 (S.D. Cal. 1996). Here again, Plaintiff has failed to provide any of
22 this information in his motion. See generally ECF No. 32. For these reasons, Plaintiff's third
23 request for subpoenas will be denied.

24 Accordingly, IT IS HEREBY ORDERED that Plaintiff's third motion that subpoenas
25 issue (ECF No. 32) is DENIED.

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27 IT IS SO ORDERED.

28 Dated: January 3, 2024

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

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